

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

MINNIE FOXIE,

Civil Action File No.

Plaintiff,

v.

WAL-MART STORES EAST, LP
AND WALMART, INC.,

Defendants.

_____/

NOTICE OF REMOVAL

COME NOW WAL-MART STORES EAST, LP and WALMART, INC.
(erroneously named) named Defendants in the above-captioned matter, by and
through their counsel of record, within the time prescribed by law, and file this Notice
of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant s WAL-MART STORES
EAST, LP and WALMART, INC. in the State Court of Forsyth County, Georgia, which
is within the Gainesville Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit
is styled as above and is numbered as Civil Action File No. 20SC-0039-B. Plaintiff's
claims against Defendants include claims of negligence.

2.

Plaintiff filed the Complaint on or about January 9, 2020. Defendants WAL-MART STORES EAST, LP and WALMART, INC. received service of summons and a copy of the Complaint on January 16, 2020. Defendants WAL-MART STORES EAST, LP and WALMART, INC. file this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business for all entities mentioned in this paragraph is 708 SW 8th Street, Bentonville, AR 72716.

4.

Defendant Wal-Mart Inc. is a Delaware corporation with its principal place of

business in the State of Arkansas. Defendant Wal-Mart Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for Wal-Mart, Inc. is 708 SW 8th Street, Bentonville, AR 72716.

5.

Minnie Foxie is a citizen of the State of Georgia.

6.

Complete diversity of citizenship exists between Plaintiff and Defendant.

7.

Plaintiff claims bodily injuries, including a fractured left wrist and a severely fractured left hip that required emergency surgery, extensive rehab and has allegedly resulted in permanent physical limitations; pain and suffering; past medical expenses of at least \$101,913.75; and future medical expenses (see Complaint paragraphs 9 and 10). The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendants.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendants have attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendants, including copies of all pleadings that have been filed to date in the State Court of Forsyth County, Georgia for the above-styled case.

10.

Pursuant to 28 U.S.C. § 1446, Defendants are not required to file a removal bond.

11.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

12.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Forsyth County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendants WAL-MART STORES EAST, LP and WALMART, INC. pray that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Gainesville Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

Howard M. Lessinger

Georgia State Bar No. 447088

/s/ Robert B. Hill

Robert B. Hill

Georgia Bar No. 354450

Attorneys for Defendants

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The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Howard M. Lessinger

Howard M. Lessinger

CERTIFICATE OF SERVICE

This is to certify that on January 22, 2020, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

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